

Message Text

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ACTION DLOS-07

INFO OCT-01 AF-10 EA-11 NEA-14 IO-14 ISO-00 CG-00 CIAE-00

DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SP-03 SS-20 USIA-15 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEA-02 ACDA-19

AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01

TRSE-00 OIC-04 DRC-01 /230 W
----- 057260

R 281007Z MAY 74

FM AMEMBASSY KUWAIT

TO SECSTATE WASHDC 9720

INFO AMEMBASSY ABIDJAN

AMEMBASSY ADDIS ABABA

AMEMBASSY DAR ES SALAAM

AMEMBASSY KINSHASA

AMEMBASSY LAGOS

AMEMBASSY NAIROBI

AMEMBASSY NEW DELHI

USMISSION USUN NEW YORK

AMEMBASSY SEOUL

AMEMBASSY TEHRAN

C O N F I D E N T I A L KUWAIT 2130

USUN FOR STEVENSON; NEW DELHI PASS OXMAN FROM MOORE

EO 11652: GDS

TAGS: PBOR, XA

SUBJ: LOS: CONSULTATIONS WITH OAU OFFICIALS

SUMMARY: LOS TEAM LED BY JOHN NORTON MOORE MET WITH ACTING SEC
GENERAL OF OAU AND OAU SECRETARIAT OFFICIALS TO DISCUSS LOS
AIMS AND TO PRESENT U.S. POSITIONS ON ISSUES. DISCUSSIONS
EXTREMELY USEFUL IN POINTING OUT SOME ISSUES, SUCH AS VESSEL-
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SOURCE POLLUTION PROBLEMS, WHICH OAU MEMBERS HAD NOT BEEN

EXPOSED TO AND IN MAKING POINT OF AVOIDANCE OF RIGID GROUP POSITIONS AT THIS TIME IN NEGOTIATIONS. END SUMMARY

1. MOORE AND EMBOFF MET AFTERNOON OF MAY 23 WITH OSONYA NYNNEQUE, ACTING ADMINISTRATIVE SEC GEN OF OAU; E.O. EGBONIKE, OAU LEGAL ADVISOR, AND SEVERAL MEMBERS OF OAU SECRETARIAT. U.S. TEAM GAVE DETAILED PRESENTATION OF U.S. POSITION ON ALL MAJOR LOS ISSUES AND STRESSED IMPORTANCE OF OAU ROLE IN ENSURING SUCCESSFUL CONFERENCE, IMPORTANCE OF AVOIDING RIGID POSITIONS AND OF ADHERENCE TO G.A. CONFERENCE SCHEDULE.

2. OAU REPS DID NOT MAKE MANY SUBSTANTIVE COMMENTS CONFINING THEMSELVES TO BRIEF STATEMENTS OF OAU POSITIONS AND SEEKING CLARIFICATION OF US POSITIONS. OAU OFFICIALS PARTICULARLY INTERESTED TO LEARN WHETHER U.S. TEAM, DURING CONSULTATIONS IN AFRICAN CAPITALS, HAD DETECTED ANY MOVE TOWARD CONSENSUS AMONG AFRICAN COUNTRIES ON TERRITORIAL SEA AND STRAITS. VIEW WAS EXPRESSED BY OSONYA NYNNEQUE THAT STRAIT STATES OUGHT TO HAVE RIGHT TO CLOSE A STRAIT TO WARSHIPS OF BELLIGERENT POWERS. MOORE NOTED THIS WOULD SUBJECT STRAIT STATES TO GREAT POLITICAL PRESSURE AND WOULD INCREASE, RATHER THAN DECREASE, CHANCES OF WIDENING CONFLICT.

3. MOORE PRESENTED U.S. VIEWS ON COASTAL RESOURCE ISSUES. OAU OFFICIALS RAISED PROBLEM OF DEALING WITH LAND-LOCKED STATES, SUGGESTING THAT POSSIBLE COMPROMISE WOULD BE TO GIVE LAND-LOCKED STATES (PRESUMABLY IN REGION) RIGHT OF ACCESS TO ECONOMIC ZONE BUT DENYING SUCH RIGHT TO OUTSIDERS. MOORE SAID THIS WOULD HARM CERTAIN AFRICAN STATES WHICH HAVE POOR FISHERY RESOURCES OFF THEIR OWN COASTS AND WHICH MAY IN FUTURE WISH TO ENGAGE IN FISHING OFF OTHER COUNTRIES' COASTS. MOORE ALSO POINTED OUT THAT EXCLUSION OF COUNTRIES FROM OTHER REGIONS RATHER THAN REQUIRING FULL UTILIZATION WOULD HAVE EFFECT OF ENCOURAGING UNDER-UTILIZATION OF FISH RESOURCES.

4. ON MARINE POLLUTION, OAU REPS STATED THAT THEY BELIEVE OAU FAVORS COASTAL-STATE AND FLAG-STATE ENFORCEMENT OF INTERNATIONAL STANDARDS. ON MARINE SCIENCE, OAU REPS EXPRESSED CONCERN THAT RESULTS OF SCIENTIFIC RESEARCH MIGHT NOT BE PUBLISHED AND ALSO SUGGESTED THAT DISTINCTION BETWEEN RESEARCH IN WATER AND ON CONFIDENTIAL

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SHELF MIGHT BE MADE (PRESUMABLY ON ASSUMPTION THAT FORMER IS PURE RESEARCH AND LATTER RELATES TO RESOURCES). EGBONIKE, IN EXCHANGE AT CLOSE OF MEETING, STATED U.S. RESEARCH POSITION WAS REASONABLE AND HE WOULD SUPPORT IT. ANY OTHER APPROACH WOULD LEAD TO CHAOS.

5. MOORE NOTED THAT IN COURSE OF CONSULTATIONS IN AFRICA, TEAM HAD FOUND WIDESPREAD ACCEPTANCE OF CONCEPT OF DISPUTE

SETTLEMENT AND PROVISIONAL APPLICATION OF LOS TREATY. OAU OFFICIALS INDICATED GENERAL AGREEMENT WITH US POSITION ON THESE POINTS BUT MADE CLEAR THEY DO NOT THINK THEM OF VITAL IMPORTANCE AND WERE NON-COMMITAL ABOUT OAU STAND.

6. OAU REPS TOOK HARD LINE ON DEEP SEABED ISSUES, ARGUING THAT US SEEMS TO FAVOR WEAK AND WHAT THEY FELT WOULD BE INEFFECTIVE INTERNATIONAL MACHINERY. MOORE STATED US CONSIDERS THAT US PROPOSALS WOULD PROVIDE MORE EFFICIENT MACHINERY, IN TERMS OF ENCOURAGING DEVELOPMENT OF DEEP SEABEDS. OAU REPS OBSERVED THERE IS "IDEOLOGICAL DIFFERENCE" BETWEEN US AND AFRICAN COUNTRIES ON THIS ISSUE. THEY WERE CONCERNED THAT UNDER US PROPOSALS, LDC'S WOULD NOT TAKE MEANINGFUL PART IN DEVELOPMENT OF SEABED RESOURCES BUT AT SAME TIME EXPRESSED DESIRE TO FIND "HALFWAY HOUSE" BETWEEN TWO POINTS OF VIEW, CLEARLY HAVING IN MIND SOME FORM OF MIXED ENTERPRISE-LICENSING SYSTEM. MOORE STRESSED US OPPOSES ANY ROLE FOR INTERNATIONAL AUTHORITY IN DIRECT EXPLOITATION OF SEABED RESOURCES AND POINTED OUT CONFLICT OF INTEREST PROBLEM.

7. OAU REPS EXPRESSED FEAR THAT RIGHT OF ACCESS TO FISH IN OTHER COUNTRIES' ZONES WOULD BENEFIT ONLY DEVELOPED COUNTRIES, NOT LDC'S. OAU REPS SUGGESTED SOME FORM OF ASSISTANCE TO LDC'S TO HELP THEM DEVELOP THEIR FISHERIES. ALTHOUGH NOT EXPLICIT, IT SEEMED CLEAR THAT THEY WISHED TO LINK RIGHT OF ACCESS TO DIRECT ASSISTANCE TO COASTAL STATE. MOORE AND BRITTEN POINTED OUT ADVANTAGES TO AFRICAN STATES AS A WHOLE OF US FISHERIES PROPOSALS AND POSSIBLE ALTERNATIVE SOURCES OF TECHNICAL ASSISTANCE.

8. COMMENT: TEAM CONSIDERS MEETING WITH OAU REPRESENTATIVES HIGHLY USEFUL. ALTHOUGH INITIAL RECEPTION BY OAU REPS SKEPTICAL, BY END OF MEETING THERE HAD DEVELOPED FRANK AND PRODUCTIVE CONFIDENTIAL

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GIVE AND TAKE. ON SOME ISSUES, SUCH AS VESSEL-SOURCE POLLUTION, OAU REPS HAD NOT BEEN EXPOSED TO ISSUES AND SEEMED FAVORABLY INCLINED TOWARD POSITION. THOUGH MEMBER GOVERNMENTS OF OAU DETERMINE POLICY, OAU SECRETARIAT TEAM WILL PLAY ROLE OF CONSIDERABLE IMPORTANCE. OAU SECRETARIAT PREPARES FIRST DRAFTS OF LOS PAPERS FOR OAU, MOST OF THOSE MEMBERS OF OAU SECRETARIAT WHO MET WITH US LOS TEAM EXPECT TO ATTEND CARACAS SESSION. LOS TEAM SHOULD CONTINUE TO KEEP IN TOUCH WITH THEM. END COMMENT

9. ACTION REQUESTED: PLEASE SEND TO AMEMBASSY ADDIS ABABA BY AIR POUCH TEN COPIES OF ALL US DRAFT TREATY ARTICLES (TERRITORIAL SEA AND STRAITS, FISHERIES, COASTAL SEABED ECONOMIC AREA, MARINE POLLUTION, MARINE SCIENTIFIC RESEARCH AND DISPUTE SETTLEMENT) AND U.S. POSITION PAPERS ON ABOVE AND ON PROVISIONAL

APPLICATION AND ZONE-LOCKED STATES FOR ADDITIONAL DISTRIBUTION
BY EMBASSY TO MEMBERS OF OAU SECRETARIAT.
MCCLELLAND

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